

**TCP/11/16(195)**

**Planning Application 10/01798/IPL – Erection of 2 detached holiday let chalets on land 80 metres north east of Tormaukin Hotel, Glendevon**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



21 JUN 2012

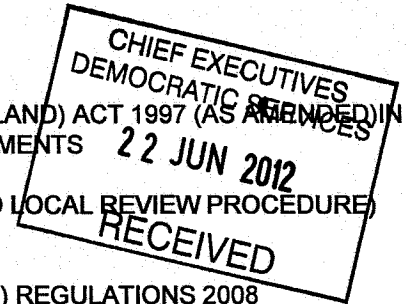
Notice of Review

**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008



**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**Name FENWICK WONRELLAddress C/O AGENT.

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**Name JOHN BOGLEAddress ELEMENTS ARCHITECTURE  
ALLAN HOUSE  
BRIDGE OF EARN RD,  
DUNNING - PH2 0RUContact Telephone 1 01764 684467Contact Telephone 2 07709 957668

Fax No

E-mail\* john@elementsarchitecture.co.uk

Mark this box to confirm all contact should be  
through this representative: ☒ Yes ☐ No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH + KINROSS COUNCIL

Planning authority's application reference number

10/01798/1PL

Site address

80m NORTH EAST OF TORMAUKIN HOTEL, GLENDEVEN

Description of proposed development

ERUCTION OF 2m. DETACHED HOLIDAY-LET CHALETS

Date of application

08-10-10

Date of decision (if any)

30-03-12

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

**Reasons for seeking review**

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

MY CLIENT WISHES TO PRESENT HIS CASE ORALLY. HE WISHES TO PROVIDE HIS JUSTIFICATIONS & BE ABLE TO ANSWER ANY COMMENTS THE

BOARD MAY HAVE, IN PERSON.

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED STATEMENT -

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

THE REASONS FOR REFUSAL WERE NOT RAISED DURING THE PLANNING PROCESS. BUSINESS CASE INFORMATION OR AN ARBORICULTURAL APPRAISAL WAS NOT REQUESTED.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

DRAWINGS 10/W041-001  
 10/W041-002  
 10/W041-003

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

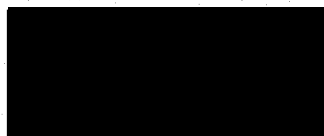
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



ELEMENTS  
 ARCHITECTURE.

Date

18-06-12

## **NOTICE OF REVIEW**

**Application for Planning Permission in Principle for the Erection of  
2no. Detached 2-Bedroom Holiday-Let Chalets at Land 80m North East of  
Tormaukin Hotel, Glendevon, KY14 7JY for Mr F Worrell**

**Ref: 10/01798/IPL**

## **STATEMENT**

### **Reasons for the Notice of Review**

The application was not assessed fully. The application was registered in October 2010 and only determined in March 2012. This determination was only prompted by a Notice of Review application (dated 14 February 2012) for 'non-determination'. This application was deemed invalid as it was passed the 3-month period after the target date for determination.

The Planning Officer notes that no justification for farm diversification or business case information was submitted in support of the application. We did not receive any correspondence highlighting that this was an issue that required additional information. If this had been requested, we would have provided the relevant supporting information.

The application is for 'in principle' and it cannot be assumed that the mature trees would be affected as part of this proposal. My client wishes the chalets to be 'low-impact'. By their very nature, they are small and lightweight. They can be manufactured off-site as a kit and lifted onto modest foundations without requiring the mature trees to be removed. The mature trees are owned by the hotel and provide protection and 'shelter' to the site as well as a majestic setting for the timber-clad chalets. We did not receive any correspondence highlighting that this was an issue that required an arboricultural appraisal or be assessed against the British Standards. If this had been requested, we would have provided the relevant supporting information.

The only concern raised during the planning process was the height of the chalets within the local topography. To address these concerns drawing no. 10/W041-003 was emailed to the Planning Officer at the beginning of 2011 and a hard copy was sent in April 2011. The drawing incorporates a photograph that highlights the proposal site in relation to the adjacent site containing Toad Hall. Toad Hall sits noticeably higher than the proposal site. The photograph also suggests how the existing mature trees will provide a partial screen to conceal the chalets. We do not consider that the final determination takes a fair view of this evidence.

**Contd:/**

Contd:/

The policies below are all referred to for reasons for refusal. We were not given the opportunity to address these concerns during the planning process. A brief supporting statement is provided below each point, although my client wishes to attend a hearing to give an oral representation to justify his proposal in person.

### **Perth & Kinross Structure Plan (2003)**

#### **Sustainable Economic Policy 3**

The proposal integrates with an established chalet-let business and will provide local employment ensuring that the rural community remains viable.

#### **Sustainable Communities Policy 6**

The proposal will provide good quality buildings that take their aesthetic cue from the surrounding properties.

#### **Sustainable Economic Policy 9**

The proposal integrates with an established tourist business, will provide local employment and enhance the local built environment.

### **Strathallan Area Local Plan (2001)**

#### **Sustainable Development Policy 1**

The proposal will promote sustainable building materials and 'low-impact' building techniques to protect the natural environment.

#### **Development Criteria Policy 2**

The proposal sits within a site with established boundaries. The proposal aims to integrate with the existing landscape framework and add to the local amenity.

#### **Landscape Policy 3**

The proposal aims to integrate with the existing landscape features and to improve the diversity of native flora.

#### **Design Policy 5**

The proposal will provide good quality buildings that take their aesthetic cue from the surrounding properties to ensure they 'fit' their location.

#### **Tourism Policy 29**

The proposal integrates with an established chalet-let business. The new chalets will provide an alternative experience to the existing chalets with a view to attracting a wider customer base. The proposal will promote sustainable building materials and 'low-impact' building techniques to protect the natural environment.

Contd:/



Contd:/

**Chalets & Timeshare Developments Policy 31**

The proposal integrates with an established chalet-let business. The new chalets will provide an alternative experience to the existing chalets with a view to attracting a wider customer base. The proposal aims to integrate with the existing landscape framework and add to the local amenity.

**Agricultural Policy 36**

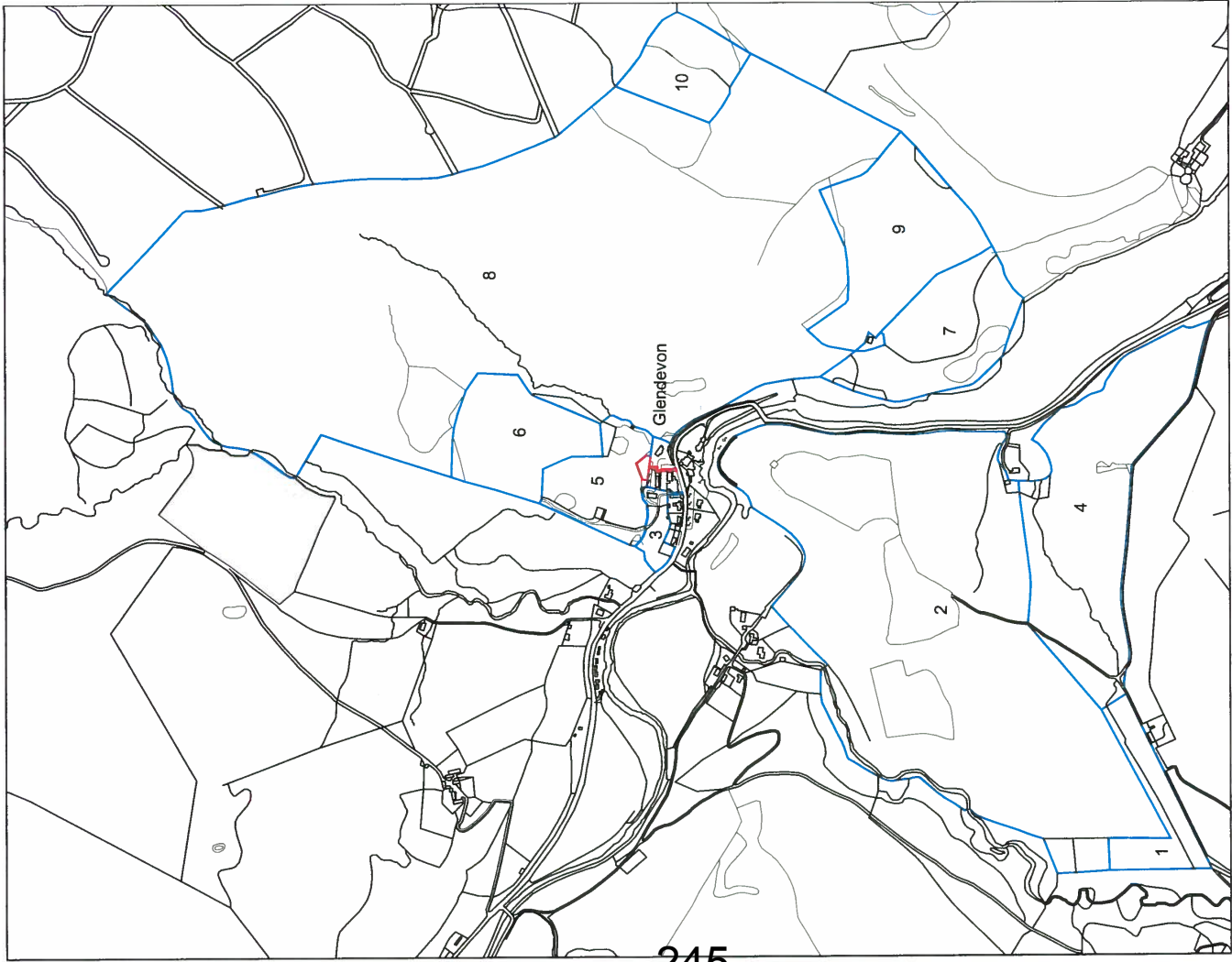
This farm diversification business provides local employment ensuring that the rural community remains viable. The amenity of the countryside is not affected.

**Chalets on Farms Policy 47**

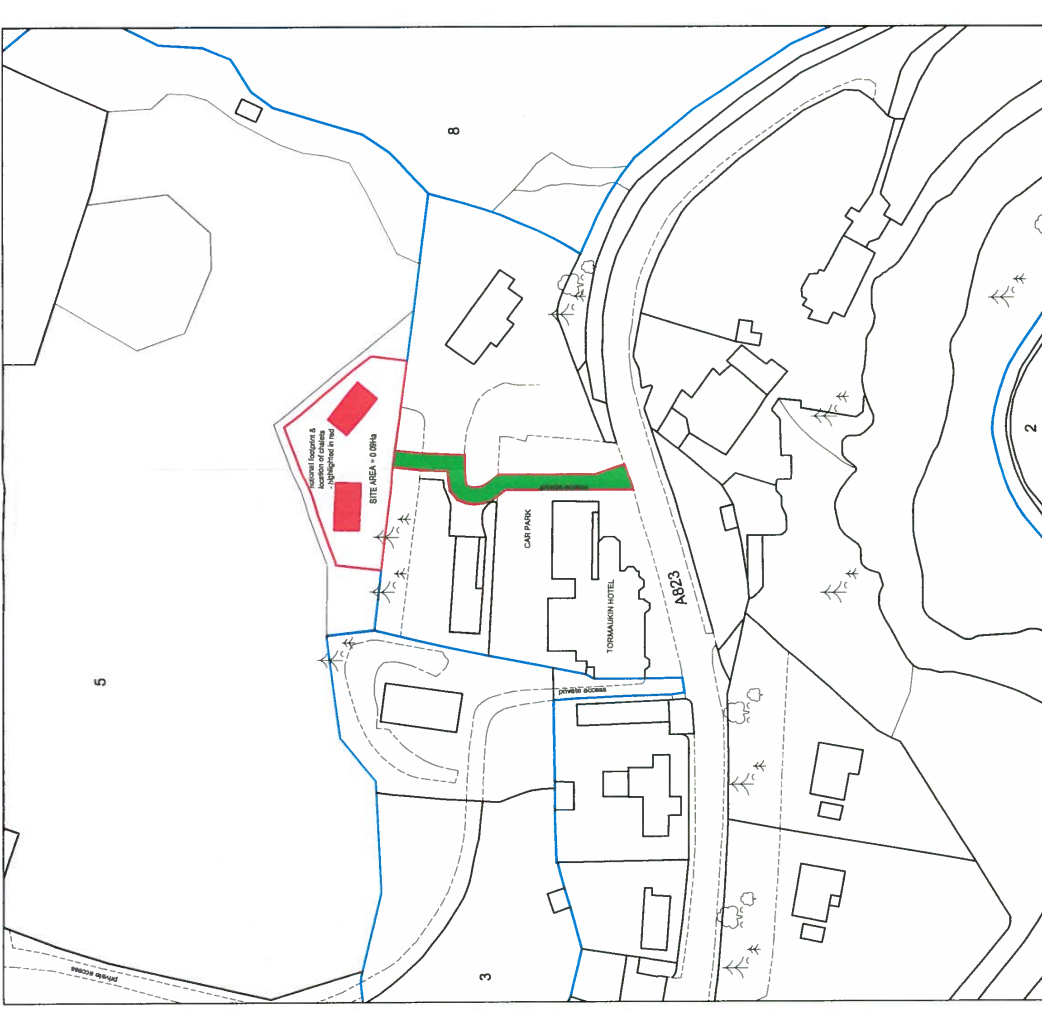
This farm diversification business sits within a site with established boundaries. The proposal aims to integrate with the existing landscape framework and add to the visual amenity of the area.

End





Location Plan 1:10000



Location Plan 1:1250

Name	MR F WORRELL		1:1250		checked		JFB		revision	
	Proposed Holiday-Let Chalets at Land to North of Tormaukin Hotel, Glendevon		1:10000		drawn		001		001	
	LOCATION PLAN / SITE PLAN		10/W041		project no		001		drawing no	

ELEMENTS ARCHITECTURE

Alan House  
E.info@elementsarchitecture.co.uk  
Bridge of Earn Road  
Dunning  
T. 01784 684 467  
W. www.elementsarchitecture.co.uk

Block Plan 1:500

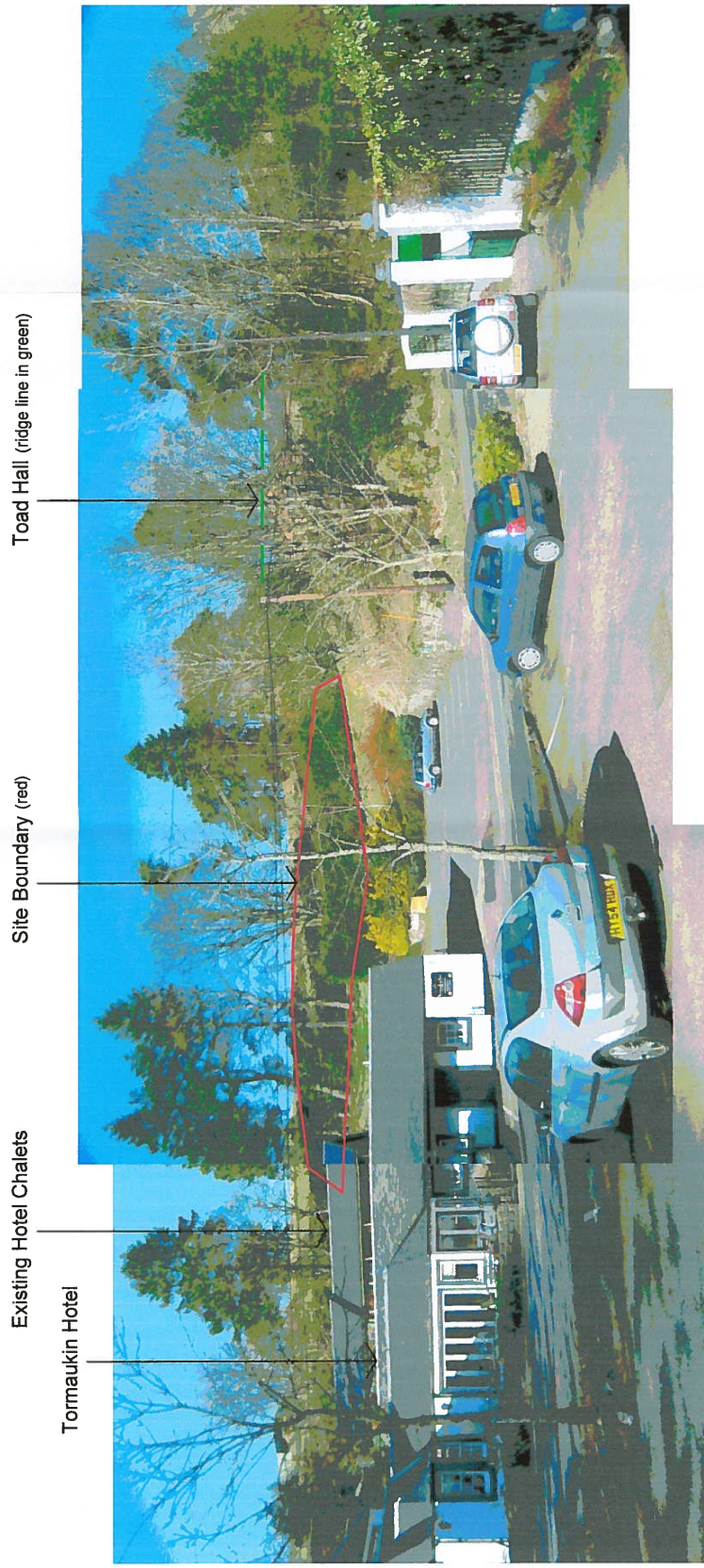
client	MR F WORRELL		sheet no	
project	Proposed Holiday-Let Chalets at Land to North of Tormaukin Hotel, Glendevon		drawing	
scale	1:500	checked	revision	
drawing	BLOCK PLAN		002	
	10/W041	drawn	project no	

## ELEMENTS ARCHITECTURE

Allan House      Bridge of Earn Road  
E..info@elementsarchitecture.co.uk

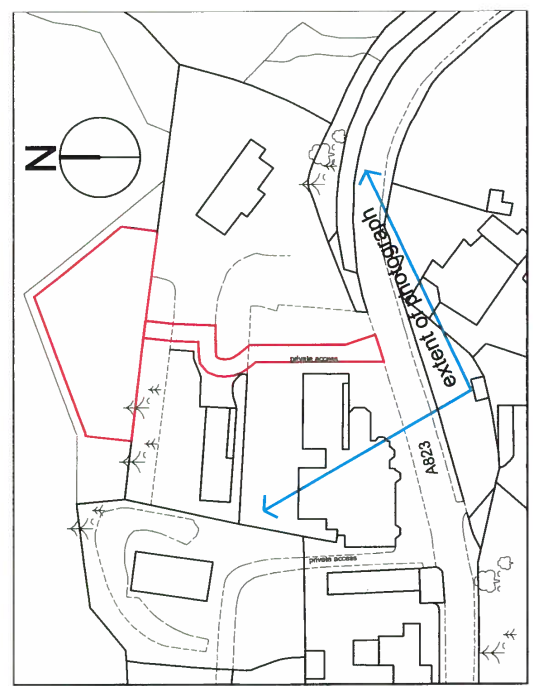
Dunning T. 01764 684 467  
W. [www.elementsarchitecture.co.uk](http://www.elementsarchitecture.co.uk)





Photograph taken from car park opposite hotel (eye level - standing)

Chalets to be single storey with a low pitch roof to minimise overall height.  
Chalets to be positioned on site to minimise the impact on the 'skyline'.  
The tree line in front of the site to be retained to screen the chalets from the main road and reduce any impact to the 'skyline'.



client		nts		checked		revision	
MR F WORRELL		nts		JFB		003	
project		10/W041		drawing		003	
Proposed Holiday-Let Chalets at Land to North of Tormaukin Hotel, Glendevon		10/W041		drawing		003	
drawing		10/W041		drawing		003	
PHOTOGRAPH		10/W041		drawing		003	



**TCP/11/16(195)**

**Planning Application 10/01798/IPL – Erection of 2 detached holiday let chalets on land 80 metres north east of Tormaukin Hotel, Glendevon**

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

**REFERENCE DOCUMENTS** (included in applicant's submission, see pages 245-246)





# PERTH AND KINROSS COUNCIL

Mr Fenwick Worrell  
c/o John Bogle  
Elements Architecture  
Allan House  
Bridge Of Earn Road  
Dunning  
Perth  
PH2 0RU

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 30th March 2012

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **10/01798/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 8th October 2010 for permission for **Erection of 2 detached holiday let chalets Land 80 Metres North East Of Tormaukin Hotel Glendevon** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. The proposal, by virtue of the siting of proposed chalet buildings, prominence, loss of established trees and landscape setting would adversely affect the amenity of the area harming the appearance and character of the countryside. Such development would conflict with Sustainable Communities Policy 6 and Sustainable Economy Policy 9 of the approved Perth and Kinross Structure Plan (2003) and Policies 1, 2, 3, 5, 29, 31, 46 and 47 of the Strathearn Area Local Plan (2001).
2. In the absence of any specific justification relating to farm diversification, market demand and employment the Council cannot be satisfied that any economic benefits arising from the proposal would outweigh the visual harm to local amenity. In such circumstances the proposal would conflict with Policies 29, 31, 46 and 47 of the Strathearn Area Local Plan (2001).

**Justification**

The proposal is contrary to policies of the Development Plan and there are no material considerations to justify a departure there from.

**Notes**

The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

**Plan Reference**

10/01798/1

10/01798/2

# CHECKED IN

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	10/01798/IPL
Ward No	N7- Strathallan

*aud* 29/3  
29/3/12  
Ac

**PROPOSAL:** Erection of 2 detached holiday let chalets

**LOCATION:** Land 80 Metres North East Of Tormaukin Hotel Glendevon

**APPLICANT:** Mr Fenwick Worrell

**RECOMMENDATION:** REFUSE THE APPLICATION

**SITE INSPECTION:** 4 November 2010



#### OFFICERS REPORT:

##### PROPOSAL and SITE

This is an application in principle which seeks consent for the erection of two detached two bedroomed chalets on land to the north east of the Tormaukin Hotel at Glendevon. Matters of design, scale, materials, drainage and landscaping would be reserved for further approval. The chalets are proposed for holiday use.

The development would be accessed through the surfaced car park serving the Tormaukin Hotel. A new excavated driveway would be necessary to rise up to the application site which is elevated somewhat above the car park.

The application site is presently unused and accommodates a number of mature fir trees.

Between the rear of the hotel and the application site is an existing holiday chalet.

The site is in countryside outside of any settlement boundary.

##### CONSIDERATIONS

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The adopted development plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the



Strathearn Area Local Plan 2001. Other material planning considerations relevant in this instance include: justification and landscape Impact. Relevant Development Plan Policies are reviewed below.

#### Policy Context:

From the review of Plan Policies set out below it may be identified that holiday chalet developments, as farm diversification proposals or when associated with existing tourist enterprises, would not constitute a departure from the Development Plan provided that proposals fulfil a demand for this type of accommodation; the scale and appearance of development is acceptable, a good landscape fit is secured; development is compatible with its surroundings, , and where all detailed planning issues are satisfied.

#### Justification

No supporting information has been presented with this application.

The proposal is not presented as a farm diversification activity; it is not clear whether the proposal relates to an established operational farm holding, and the proposal is not part of any existing commercial tourism accommodation. The proposal would appear to be speculative, lacks a quantitative assessment of demand and no details of proposed employment generated by the chalets has been given.

In the absence of any comprehensive business case Officers cannot be satisfied that a justification to depart from the normal presumption against new development in the countryside is effectively demonstrated in this instance.

#### Landscape Impact

Although this is an application for permission in principle, a block plan submitted presents a notional footprint for the chalets. As a consequence of construction works and siting it is most likely that a number of mature trees would have to be removed. The trees border the site along its southern boundary. An arboricultural appraisal has not been submitted nor has the layout been assessed against British Standards: Trees in relation to construction. However, the position of those trees relative to the site are such that outlook from the chalets would be likely to be dominated by the trees and leaf fall and needle drop together with overhanging branches to the site is likely to be problematic. Even if detailed drawings showed all building works clear of the trees, such a close and overbearing relationship of chalets to the trees would be likely to give rise to future pressure to fell.

The trees are visible, from the public road because of the elevated nature of the site. They form a good, established landscaped backdrop to the Hotel and outbuildings and are an important local amenity. In this part of the Glendevon valley development is predominantly sited at road level with the upper slopes of rising land to the north and south of the road through the Glen generally devoid of buildings. The proposed development would not be compatible with this countryside setting. Loss of the established trees, an inevitable consequence of the development of the application site, and the appearance of chalet buildings at this upper level would be a harmful visual change to the amenity of the area. A suitable landscape framework, a requirement of planning policy, would not be realised.

## **DEVELOPMENT PLAN**

**Perth and Kinross Structure Plan (2003)**



**Sustainable Economy Policy 3** identifies that support will be given to measures which promote an integrated and flexible approach to rural development which encompass economic social and environmental considerations which maintain or enhance local employment opportunities, promote diversification and sustain viable rural communities and services

**Sustainable Communities Policy 6** identifies that Local Plans will ensure that new development makes a positive contribution to the identity character and quality of the built environment

**Sustainable Economy Policy 9** identifies that Local Plans will encourage the sustainable development of the tourist industry and support proposals which extend the tourist season and develop new markets, offer the potential for providing local employment maximise the use of public transport and which do not significantly damage the natural or built heritage

#### **Strathallan Area Local Plan 2001**

**Sustainable Development Policy 1** identifies that the Council will seek to ensure, where possible, that development is carried out in a manner in keeping with the goal of sustainable development. A key sustainability objective will be the protection of the natural environment.

**Development Criteria Policy 2** identifies that all development will be judged against criteria which include: a good landscape framework; compatibility with surroundings, and no significant loss of local amenity

**Landscape Policy 3** identifies that development proposals should seek to conserve landscape features and sense of local identity and strengthen and enhance landscape character.

**Design Policy 5** identifies that high standards of design will be sought within the Plan area and particular encouragement given to ensure that new development fits its location.

**Tourism Policy 29** identifies that new tourist related development may be supported where it can be demonstrated that it meets a new market or extends a season and where it will not adversely affect landscape or nature conservation interests.

**Chalets and Timeshare Developments Policy 31** identifies that the Council will give favourable consideration to new chalet developments which fulfil a demand for this type of tourist accommodation by virtue of its quality , facilities offered or location and where development is not detrimental to local amenity and is contained within a suitable landscape framework.

**Agriculture Policy 46** identifies that encouragement will be given to farmers wishing to diversify farm businesses, particularly where this would generate permanent employment. New developments should not be detrimental to the amenity of the countryside.

**Chalets on Farms Policy 47** identifies that the Council will support such farm diversification proposals where criteria is satisfied which include: development should have a suitable landscape frameworks and should not be detrimental to the visual amenity of the area.



**OTHER POLICIES**

None

**SITE HISTORY**

97/00451/FUL Erection of a house (for agricultural occupation) granted on 29.05.1997

10/01796/PN Erection of a general purpose agricultural and lambing shed granted on 01.11.2010

11/00193/FLL Modification of existing consent PK/97/0454 to incorporate an extension/sunroom to dwelling house

**CONSULTATIONS/COMMENTS**

Perth And Kinross Area  
Archaeologist – No  
archaeological condition  
recommended

Dunning Community Council  
– No comments

Scottish Water – No  
objections

Transport Planning – No  
objections

**TARGET DATE:** 8 December 2010

**REPRESENTATIONS RECEIVED:**

Number Received: 0

**Summary of issues raised by objectors:**

N/a

**Response to issues raised by objectors:**

N/a

**Additional Statements Received:**

Environment Statement – not required

Screening Opinion – not required

Environmental Impact Assessment – not required

Appropriate Assessment – not required

Design Statement or Design and Access Statement – not required

Report on Impact or Potential Impact – not required

**Legal Agreement Required: No**

Summary of terms – n/a

**Direction by Scottish Ministers No**

### **CONCLUSIONS**

The applicant has presented inadequate justification for the establishment of a new rural business in this location.

The appearance of the proposals would have a harmful effect on the amenity of the area. The new chalet would have a poor landscape fit.

**RECOMMENDATION: Refuse**

### **Reasons:-**

1. The proposal, by virtue of the siting of proposed chalet buildings, prominence, loss of established trees and landscape setting would adversely affect the amenity of the area harming the appearance and character of the countryside. Such development would conflict with Sustainable Communities Policy 6 and Sustainable Economy Policy 9 of the approved Perth and Kinross Structure Plan (2003) and Policies 1, 2, 3, 5, 29, 31, 46 & 47 of the Strathearn Area Local Plan (2001).
2. In the absence of any specific justification relating to farm diversification, market demand and employment the Council cannot be satisfied that any economic benefits arising from the proposal would outweigh the visual harm to local amenity. In such circumstances the proposal would conflict with Policies 29, 31, 46 & 47 of the Strathearn Area Local Plan (2001).

### **Justification**

The proposal is contrary to policies of the Development Plan and there are no material considerations to justify a departure there from.

### **Notes**

None

